

1 THE HONORABLE JAMES L. ROBART  
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IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON

7 FRANTZ SAMSON, a Washington resident,  
8 individually and on behalf of all others similarly  
9 situated,

10 Plaintiff,

11 V.

12 UNITEDHEALTHCARE SERVICES, INC.,

13 Defendant.

14 NO. 2:19-cv-00175-JLR

15 **STIPULATED MOTION AND  
[PROPOSED] ORDER EXTENDING  
CASE MANAGEMENT DEADLINES**

16 **Note on Motion Calendar: August 12, 2019**

17 Pursuant to LCR 16(a)(2), the parties respectfully submit this stipulated motion to  
18 amend the case schedule to extend the current deadlines to brief class certification and  
associated discovery deadlines based on the following:

19 1. Plaintiff filed this proposed class action lawsuit in King County Superior Court  
20 on January 9, 2019. Defendant denies Plaintiff's allegations and has asserted various  
affirmative defenses.

21 2. Plaintiff served his first set of written discovery requests on May 3, 2019.

22 3. After denying Defendant's motion to stay this case until the FCC defines the  
23 terms "called party" and "ATDS," (Dkt. #41), this Court entered an Amended Scheduling  
24 Order based on the parties' stipulation (Dkt. #43). The Amended Scheduling Order was entered  
25 on May 20, 2019.  
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STIPULATED MOTION AND [PROPOSED] ORDER  
EXTENDING CASE MANAGEMENT DEADLINES - 1  
CASE NO. 2:19-cv-00175-JLR

TERRELL MARSHALL LAW GROUP PLLC  
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1       4. The Amended Scheduling Order set a deadline of September 9, 2019 for  
 2 Plaintiff to disclose his experts and expert reports relating to class certification. *See id.* The  
 3 parties proposed this deadline because they believed Defendant could produce classwide  
 4 calling data sufficiently in advance of the deadline for Plaintiff's experts to complete their  
 5 work.

6       5. Defendant responded to Plaintiff's first discovery requests on June 7, 2019, and  
 7 indicated that it would produce class calling data at a later time. The parties met and conferred  
 8 about Defendant's discovery responses and Defendant's counsel indicated that Defendant  
 9 would try to produce the calling data by August 9, 2019. On August 7, 2019, Defendant's  
 10 counsel informed Plaintiff's counsel that due to the size of the data and limited resources it will  
 11 not be able to complete its production of calling data until the end of the month.

12       6. The parties are working diligently to complete discovery. Defendant has  
 13 indicated it will produce documents responsive to Plaintiff's discovery requests this week and  
 14 will produce a portion of the calling data next week. The parties also have been working  
 15 cooperatively to schedule depositions to take place at the end of this month.

16       7. The parties seek a short 30-day extension of the current deadlines to provide  
 17 Defendant time to produce calling data and for Plaintiff's experts to analyze it and draft their  
 18 reports. The parties propose the following amended schedule

| EVENT  | CURRENT DEADLINE  | PROPOSED DEADLINE |
|--|-------------------|-------------------|
| Deadline to join additional parties and amend pleadings          | July 15, 2019     | N/A               |
| Plaintiff's disclosure of experts related to class certification | September 9, 2019 | October 4, 2019   |
| Defendant's disclosure of experts related to class certification | October 7, 2019   | November 1, 2019  |

| 1 | EVENT  | CURRENT DEADLINE  | PROPOSED<br>DEADLINE |
|---|--|-------------------|----------------------|
| 2 | Plaintiff's disclosure of rebuttal experts     | November 4, 2019  | December 2, 2019     |
| 3 | Deadline to complete expert depositions        | November 22, 2019 | December 20, 2019    |
| 4 | Plaintiff's motion for class certification due | December 13, 2019 | January 17, 2020     |
| 5 | Defendant's class certification response due   | January 17, 2020  | February 14, 2020    |
| 6 | Plaintiff's class certification reply due      | January 31, 2020  | February 28, 2020    |

9       8. Good cause exists to change the scheduling order dates. Due to the volume of  
 10 the class calling data and Defendant's limited resources, the current schedule does not build in  
 11 time for the parties to complete ESI discovery and expert work relating to the claims and  
 12 defenses. The parties' proposed schedule provides time for the parties to conduct fact and  
 13 expert discovery related to class certification before class certification is briefed. The proposed  
 14 extensions of time will not unduly delay the prosecution of the case.

15       Accordingly, the parties respectfully request an order extending the deadlines consistent  
 16 with the schedule described in paragraph 7 of this submission.

17       RESPECTFULLY SUBMITTED AND DATED this 12th day of August, 2019.

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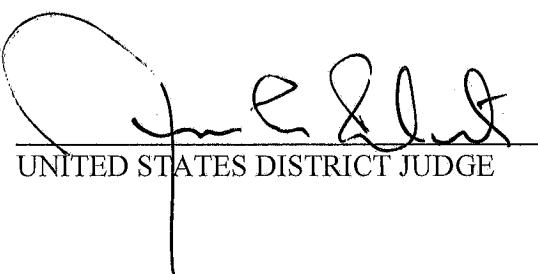
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15 *Attorneys for Plaintiff*

16 IT IS SO ORDERED.

17 Dated this 12<sup>th</sup> day of August, 2019.

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19 UNITED STATES DISTRICT JUDGE  
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STIPULATED MOTION AND ~~PROPOSED~~ ORDER  
EXTENDING CASE MANAGEMENT DEADLINES - 4  
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**CERTIFICATE OF SERVICE**

I, Jennifer Rust Murray, hereby certify that on August 12, 2019, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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STIPULATED MOTION AND [PROPOSED] ORDER  
EXTENDING CASE MANAGEMENT DEADLINES - 5  
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1 DATED this 12th day of August, 2019.

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